

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

WEIDER AND FRIEDMAN ENTERPRISES INC

Plaintiff,

vs.

DSEC LLC, DANIEL SHIR, CHIO MUI CHAN,

Defendants

Case No.: 1-8th 2498

**COMPLAINT FOR
DECLARATORY JUDGMENT
OF PATENT NON-
INFRINGEMENT AND
INVALIDITY**

DEMAND FOR JURY TRIAL

THE PARTIES

1. Plaintiff Weider and Friedman Enterprises, Inc. is a New York corporation with its principal place of business at 1730 58th Street, Brooklyn NY 11204 (“WFE”).
2. On information and belief, DSEC LLC, is a California limited liability company with its principal place of business at 800 Saint Charles Dr #3, Thousand Oaks CA 91360 (“DSEC”).

3. On information and belief, Daniel Shir, (“Shir”) is an individual residing at 800 Saint Charles Dr #3, Thousand Oaks CA 91360 and has an interest in, and is a managing member of DSEC.

4. On information and belief, Chio Mui Chan, (“Chan”) is an individual residing at 800 Saint Charles Dr #3, Thousand Oaks CA 91360 and has an interest in, and is a managing member of DSEC.

NATURE OF THE ACTION

5. This is a declaratory judgment action seeking a determination that WFE does not infringe any valid or enforceable claims of U.S. Patent No. D802,336S (“Patent-In- Suit”) under 35 U.S.C. § 271.

6. This is a declaratory judgment action seeking a determination that the Patent-In-Suit is invalid, in whole or in part.

7. On information and belief, DSEC is the owner by assignment of United States Patent No. D802,336S (“the ’336 patent”), which is entitled “SLEEPING PAD” and was issued on November 14, 2017. A true copy of the ’336 patent is attached as Exhibit A.

JURISDICTION AND VENUE

8. WFE brings this action under Title 35 of the United States Code, and under 28 U.S.C. §§ 2201 and 2202, to obtain a declaration of non-infringement and invalidity with respect to the ’336 patent.

9. Because this action arises under the Patent Laws of the United States, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over the defendants, at least because of their continuous and systematic contacts with the Eastern District of the state of New York, including conducting of substantial and regular business therein, through marketing and sales of outdoor and camping gear in the Eastern District of the state of New York including but not limited to the OutdoorsmanLab line of products.

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) because, on information and belief, defendants have sufficient contacts with this district for personal jurisdiction.

THE SUBSTANTIAL CONTROVERSY BETWEEN THE PARTIES

12. DSEC is a practicing holder of the Patent-in-Suit, marketing its product the OutdoorsmanLab Ultralight Sleeping Pad.

13. WFE manufactures and sells a sleeping pad under the trade name Sleeping, on the Amazon platform.

14. As early as January 20, 2018, Shir, on behalf of DSEC sent or caused to be sent to Amazon, an email communique, stating that DSEC had become aware of WFE's product on the Amazon platform, communicating defendant's belief that WFE infringes on one or more claims of the '336 patent. Upon information and belief Shir's email on behalf of

DSEC, directed Amazon to stop, marketing, offering for sale, and selling its Sleepingo sleeping pad product, or be subjected to a patent enforcement action.

15. As a result of DSEC's email(s) to Amazon, Amazon sent emails to WFE, alerting WFE to DSEC's claim and directing WFE to negotiate with DSEC for a rescission of its claim or Amazon will be compelled to delist, stop selling or marketing WFE's Sleepingo sleeping pad on the Amazon website. A true copy of the Amazon emails to WFE are attached as Exhibit B.

16. WFE has not infringed and does not infringe, either directly or indirectly, any valid and enforceable claim of the Patent-in-Suit, either literally or under the doctrine of equivalents.

17. By virtue of the foregoing, a substantial controversy exists between the parties that is of sufficient immediacy and reality to warrant declaratory relief.

INVALIDITY OF PATENT DUE TO PRIOR ART - FIRST INSTANCE

18. Application for Design Patent D802,336 was filed on February 7, 2017. It is subject to the American Invents Act which took effect March 16, 2013. Under the foregoing act a person is entitled to a patent unless "the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention".

19. There were sleeping pads on sale, identical to the patentee's sleeping pad, prior to the filing date (February 7, 2017) of the '336 product.

20. Among other identical products, a particular product named “Cloudbase” was on sale by www.alpkit.com at least as early as November 9, 2016, according to twitter.com. See exhibit C.

21. Attached as Exhibit D., is a printout depicting the Cloudbase product with product reviews. The earliest review is dated November 21, 2016.

22. In view of the prior art, the US Design Patent D802,336 is not valid. A patent that is not valid cannot be infringed.

INVALIDITY OF PATENT DUE TO PRIOR ART – SECOND INSTANCE

23. DSEC LLC, the patent holder, filed a trademark application for the name Outdoorsman Lab in conjunction with a wordmark and logo on September 15, 2015, application serial number: 87610795. See Exhibit E.

24. In the trademark application, defendant Shir, certifies, that the applied for mark has been used in commerce in conjunction with the sleeping pad in controversy, among other items, since "at least as early as 10/01/2015" more than a year before the patent filing date of, February 7, 2017.

25. In support of his trademark application, defendant Shir describes items used in commerce since at least as early as October 1, 2015. Among the items, he lists "Sleeping Pad." He attached a color picture of the sleeping pad packed in its unique satchel, to his trademark application, Exhibit E, page 41.

26. On the defendants’ website <https://outdoorsmanlab.com/> the identical picture to the

one that is appended to the trademark application is exhibited, Exhibit G, page 53. A hand, palm up holding a vertical navy cylinder shaped satchel is displayed in conjunction with the sleeping pad in controversy.

27. According to website carbon dating, the website <https://outdoorsmanlab.com/> was created in October 2015. See exhibit F. A true illustration of the home page of the website is depicted in Exhibit G.

28. The website features four different sleeping pads and only two of them have navy blue nylon satchels.

29. Of those two sleeping pads, one of the sleeping pads is described as self inflating, and according to the specifications on the website, its pack size is 10" x 6.5".

30. The sleeping pad in controversy is described according to the website as the "Ultralight Sleeping Pad" and its pack size is 8" x 3".

31. The picture of the open hand holding the navy blue satchel, in the trademark application dated 09/15/2017, Exhibit E, page 41, depicts the satchel containing the sleeping pad in controversy.

32. Furthermore, the website to date, still depicts the identical picture to the picture in the trademark application, in conjunction with the sleeping pad in controversy and a very different picture, closed fist holding satchel below the hand (Exhibit H), with the only other sleeping pad, (the self inflating sleeping pad,) featuring a satchel.

33. In addition, the following YouTube videos and or infomercials all feature the sleeping pad in controversy, demonstrating how versatile and compact it is. The narrators

show the subject cylinder navy satchel depicted in the trademark application and how the the deflated sleeping pad fits within its small confines. The narrators continues to open the satchel pull out the sleeping pad in controversy and inflate it by mouth.

<https://youtu.be/bAKfBYFwQuA> <https://youtu.be/urSw3uVyeQY> <https://youtu.be/TLadmTyqObc>
<https://youtu.be/TLadmTyqObc> <https://youtu.be/5RJl-TPFS90> https://youtu.be/dPkstAl_z3A

34. The foregoing is clear and convincing evidence that defendants DSEC, and Shir, have publicly claimed to the United States Patent Office in the trademark application of September 15, 2017, that the trademark applicant used the applied for mark in commerce in conjunction with the sleeping pad in controversy, since as early as October of 2015.

35. This constitutes prior art to the patent in suit under 35 U.S. Code § 102, and the patent is invalid.

36. In view of the prior art, the US Design Patent D802,336 is not valid. A patent that is not valid cannot be infringed.

COUNT I

DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY OF THE '336 PATENT

37. WFE re-alleges and incorporates paragraphs 1 through 36 as if fully set forth in this paragraph.

38. As a result of the acts described in the foregoing paragraphs, a substantial controversy of sufficient immediacy and reality exists to warrant the issuance of a declaratory judgment.

39. A judicial declaration is necessary and appropriate so that WFE may lift the cloud and ascertain its rights regarding the '336 patent.

40. WFE is entitled to a declaratory judgment that it has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '336 patent.

41. WFE is entitled to a declaratory judgment that the '336 patent is invalid under one or more of 35 U.S.C. §§ 102, 103, and 112.

PRAYER FOR RELIEF

WHEREFORE, WEIDER AND FRIEDMAN ENTERPRISES INC., respectfully prays for this Court to grant the following relief:

42. A declaration that WEIDER AND FRIEDMAN ENTERPRISES INC., has not infringed, either directly or indirectly, any valid and enforceable claim of the U.S. Patent No. D802,336.

43. A declaration that the claims of the U.S. Patent No. D802,336 invalid;

44. An order declaring that WEIDER AND FRIEDMAN ENTERPRISES INC., is a prevailing party and that this is an exceptional case, awarding WEIDER AND FRIEDMAN ENTERPRISES INC., its costs, expenses, and reasonable attorney's fees under 35 U.S.C. § 285; and,

45. That WEIDER AND FRIEDMAN ENTERPRISES INC., be granted such other and additional relief as the Court deems just and proper.

Respectfully submitted,

By



Joshua Bronstein,

Joshua Bronstein,
Attorney for Plaintiff
WEIDER AND
FRIEDMAN
ENTERPRISES INC.

Joshua Bronstein,
Attorney at Law
114 Sound View Dr.
Port Washington, NY 11056
516-698-0202

Dated: April 20, 2018

A

Exhibit A



US00D802336S

(12) **United States Design Patent** (10) Patent No.: **US D802,336 S**
Shir et al. (45) Date of Patent: **Nov. 14, 2017**

(54) **SLEEPING PAD**(71) Applicants: Daniel Shir, Los Angeles, CA (US);
Xia Yonghui, Taizhou (CN)(72) Inventors: Daniel Shir, Los Angeles, CA (US);
Xia Yonghui, Taizhou (CN)

(73) Assignee: DSEC LLC, Thousand Oaks, CA (US)

(**) Term: 15 Years

(21) Appl. No.: 29/593,167

(22) Filed: Feb. 7, 2017

(51) LOC (10) Cl. 06-09

(52) U.S. Cl.

(58) USPC D6/605

Field of Classification Search

USPC D6/333, 349, 355, 375, 388, 512, 563,
 D6/564, 595, 596, 601, 604, 611, 707,
 D6/715, 716, 716.1; D24/183-185, 234;
 D21/803, 804, 805, 809; 5/401, 420,
 5/600, 630, 631, 632, 633, 635, 636, 638,
 5/639, 646, 652, 652.1, 655, 703, 730;
 297/1, 2, 4, 93, 180.11, 195.1, 195.11,
 297/195.13, 393, 397, 452.12, 452.14,
 297/452.15, 452.21, 452.24, 452.26,
 297/452.48, 452.62, 482

CPC A47G 9/10; A47G 9/1009; A47G 9/1027;
 A47G 9/1045; A47G 9/1063; A47G
 9/1072; A47G 9/1081

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

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* cited by examiner

Primary Examiner — Eric L. Goodman

Assistant Examiner — Sanjeev Paul

(57) **CLAIM**

The ornamental design for a sleeping pad, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the sleeping pad;

FIG. 2 is a top view of the sleeping pad;

FIG. 3 is a bottom view of the sleeping pad;

FIG. 4 is a left-side view of the sleeping pad;

FIG. 5 is a right-side view of the sleeping pad;

FIG. 6 is front view of the sleeping pad; and,

FIG. 7 is a back view of the sleeping pad.

The broken lines shown in the drawings are included for the purpose of illustrating unclaimed portion of the sleeping pad and forms no part of the claim design.

1 Claim, 5 Drawing Sheets



U.S. Patent

Nov. 14, 2017

Sheet 1 of 5

US D802,336 S



FIG. 1

U.S. Patent

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Sheet 2 of 5

US D802,336 S

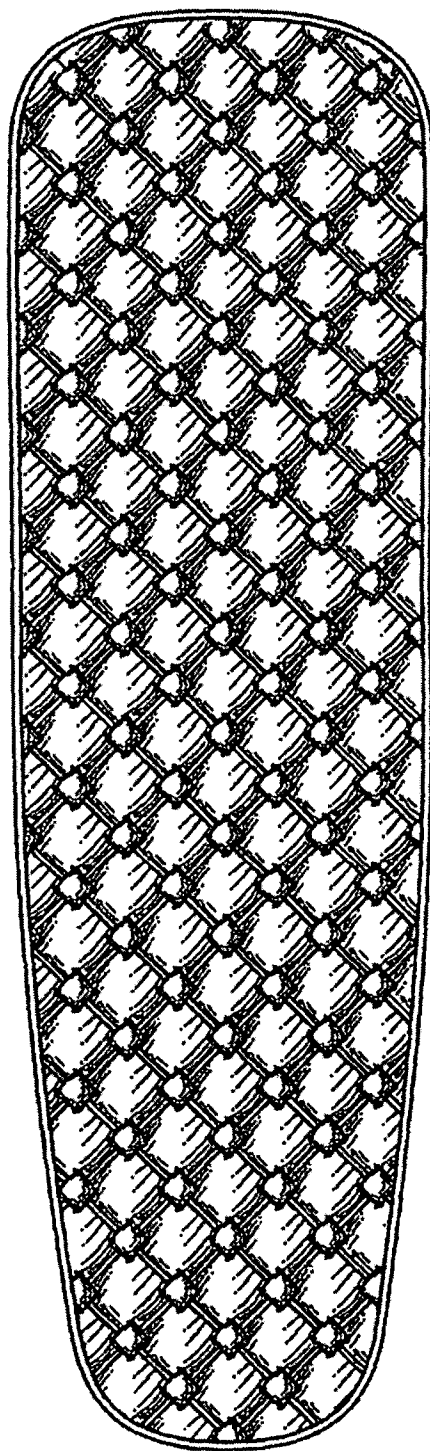


FIG. 2

U.S. Patent

Nov. 14, 2017

Sheet 3 of 5

US D802,336 S

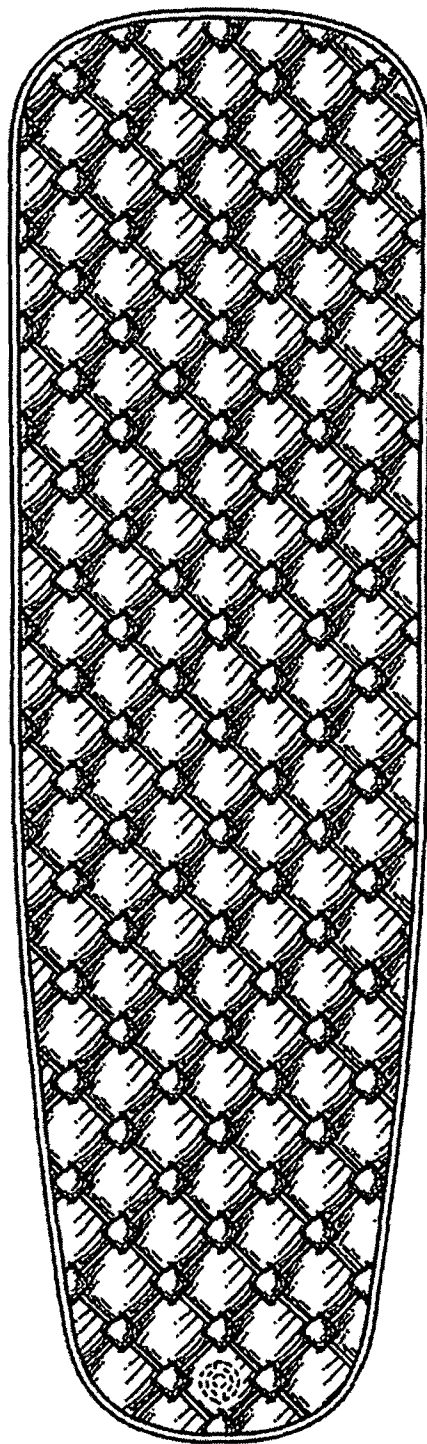


FIG. 3

U.S. Patent

Nov. 14, 2017

Sheet 4 of 5

US D802,336 S



FIG. 4



FIG. 5

U.S. Patent

Nov. 14, 2017

Sheet 5 of 5

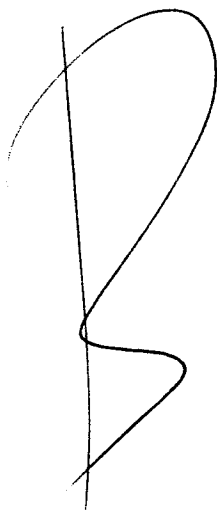
US D802,336 S



FIG. 6



FIG. 7

A handwritten mark or signature, possibly a stylized letter 'B' or a similar symbol, drawn in black ink. It consists of a vertical line with a large loop on the right side and a smaller loop or hook at the bottom.

notice-dispute@amazon.com

Gmail

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More

Gmail

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Notice: Policy Warning Inbox x

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Hello,

from: notice@amazon.com <notice@amazon.com>
We re: reply-to: "notice@amazon.com" <notice@amazon.com>

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We co signed-by: amazon.com

To lear security: Standard encryption (TLS) [Learn more](#)

ASIN: Important according to Google magic.

Infring

Patent Number: D802,336.
Complaint ID:1360425481

Sincerely,

Seller Performance Team
Amazon.com
<http://www.amazon.com>

Click here to [Reply](#) or [Forward](#)

Exhibit B

MOSHE

+

No recent chats

<https://mail.google.com/mail/u/1/#search/notice-dispute%40amazon.com/161123b08e74ec5>

at notice-dispute@amazon.com.
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to me

Hello,

We received a report from a rights owner that believes the items at the end of this email infringe their patent: D802,336.
We may let you list this content again if we receive a retraction from the rights owner:

– ipr@management.dssco@gmail.com

If the rights owner agrees to retract their complaint, they must send the retraction to us at notice-dispute@amazon.com.
If you believe that the reported content does not infringe the rights owner's patent, you may email notice-dispute@amazon.com with supporting information.

We consider allegations of intellectual property infringement a serious matter. If we receive more complaints about your listings, we may not allow you to sell on Amazon.com.

To learn more about this policy, search for "Intellectual Property Violations" in Seller Central Help.

ASIN: B078KXPOTD
Infringement type: Patent
Patent Number: D802,336
Complaint ID: 1360425481

Sincerely,

Seller Performance Team
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COMPACT

Notice: Policy Warning Inbox x

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MOSHE

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Patent Number:D802,336

Complaint ID:1430520701

Sincerely,

Seller Performance Team

Amazon.com

<http://www.amazon.com>

Click here to Reply or Forward

No recent chats

<https://mail.google.com/mail/u/1/#search/notice-dispute%40amazon.com/16187eed43180917>

4/13/2017

Notice: Policy Warning - sleepingoamz@gmail.com - Gmail

Notice: Policy Warning

notice@amazon.com <notice@amazon.com>
to me

Hello,

We received a report from a rights owner that believes the items at the end of this email infringe their patent:D802,336

We may let you list this content again if we receive a retraction from the rights owner.

-Daniel
-frank@elementdsas@gmail.com

If the rights owner agrees to retract their complaint, they must send the retraction to us at notice-dispute@amazon.com.

If you believe that the reported content does not infringe the rights owner's patent, you may email notice-dispute@amazon.com with supporting information.

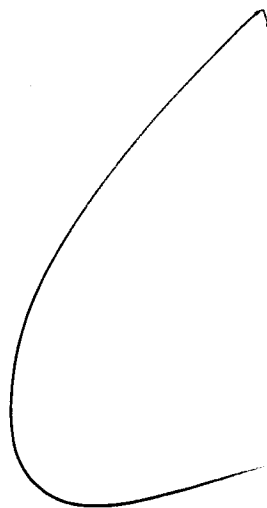
We consider allegations of intellectual property infringement a serious matter. If we receive more complaints about your listings, we may not allow you to sell on Amazon.com.

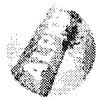
To learn more about this policy, search for "Intellectual Property Violations" in Seller Central Help.

ASIN:B076KXPTD
Infringement type: Patent
Patent Number:D802,336
Complaint ID:1430520701

Sincerely,

Seller Performance Team
Amazon.com
<http://www.amazon.com>





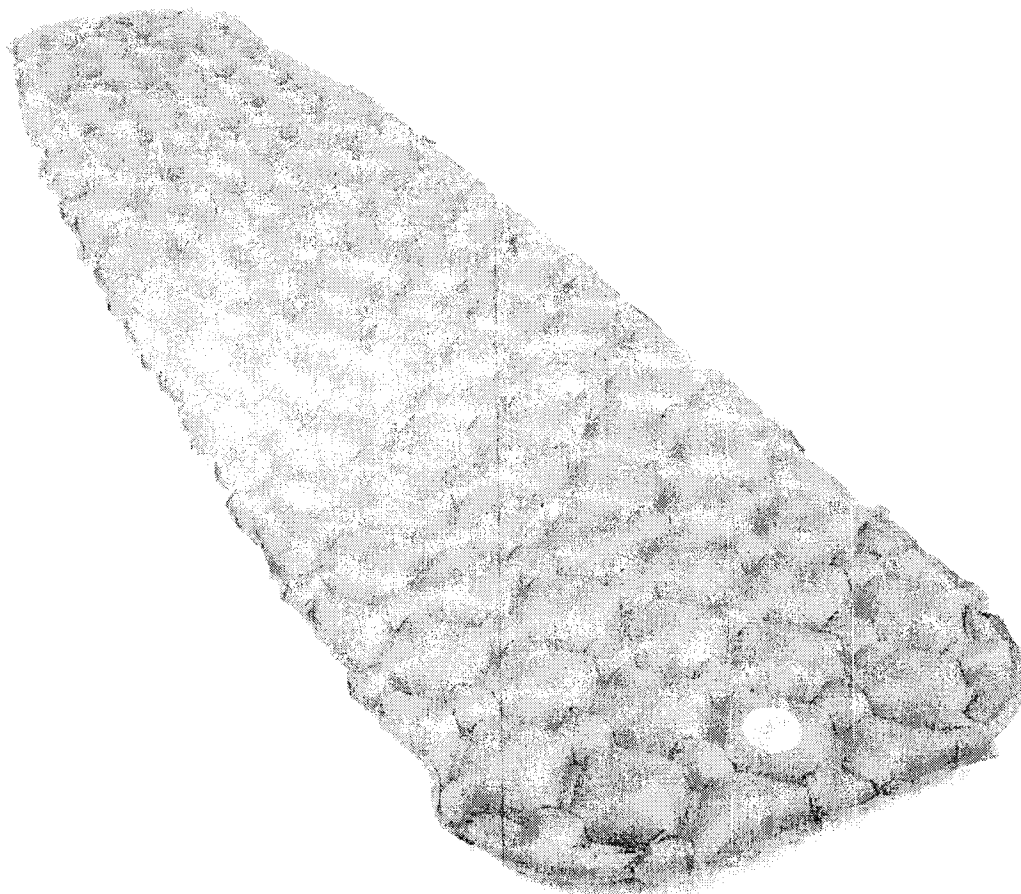
Alpkit
@Alpkit

Exhibit C

Follow



NEW PRODUCT ALERT: Cloudbase is an inflatable, 6cm thick, sleeping mat that weighs just 490g [alkit.com/products/cloud](https://t.co/RiZRL0...)



9:19 AM - 9 Nov 2016

7 Retweets 25 Likes



8

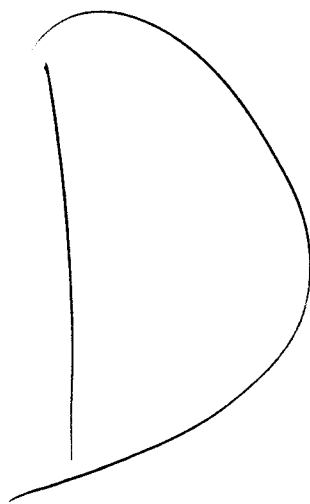
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25



David Hart @daveyboyhart · 26 Feb 2017



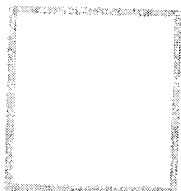
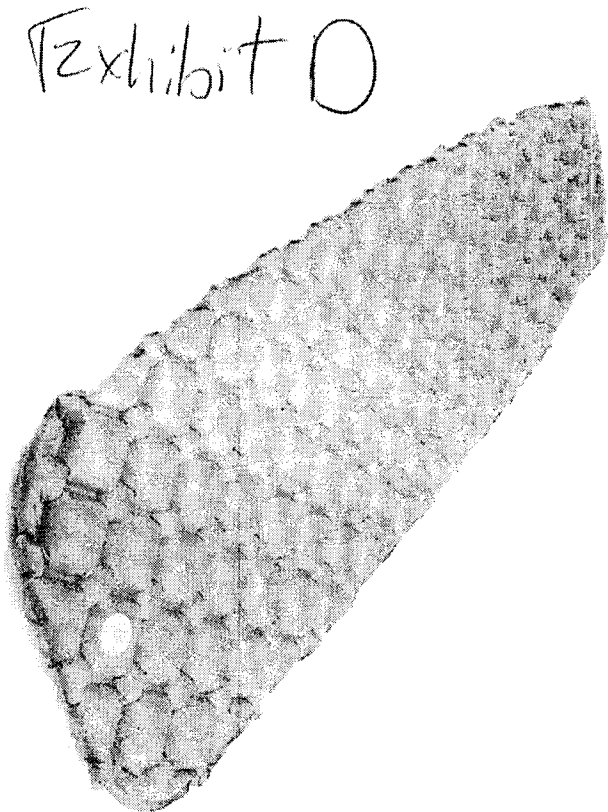


Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit



Cloud Basesleeping mat

Lightweight inflatable camping mat weighing 395 grams and 6 cm thick to soak up uneven ground



£45.00



24 Reviews

Leave A Review

Options

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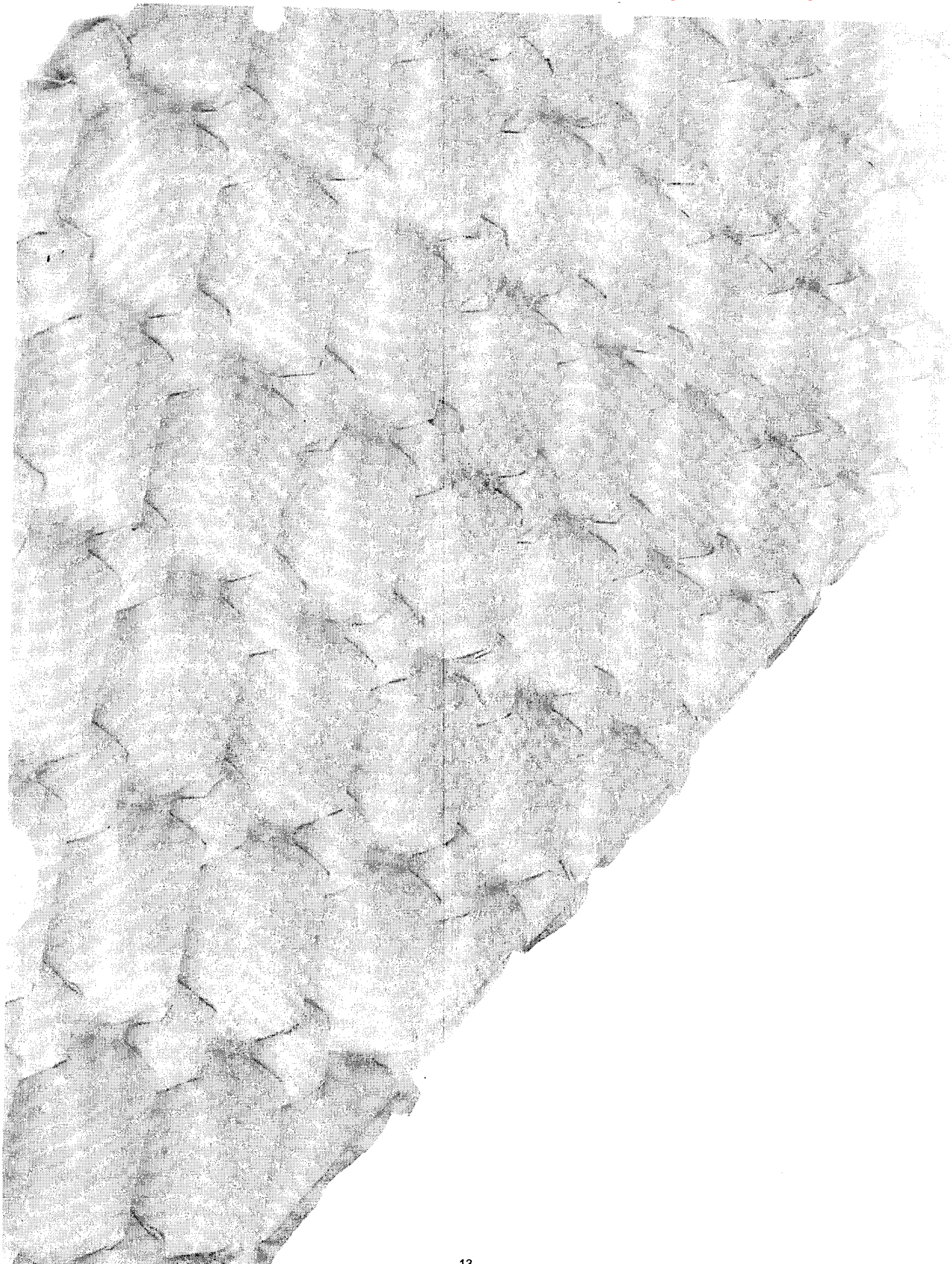
£ GBP

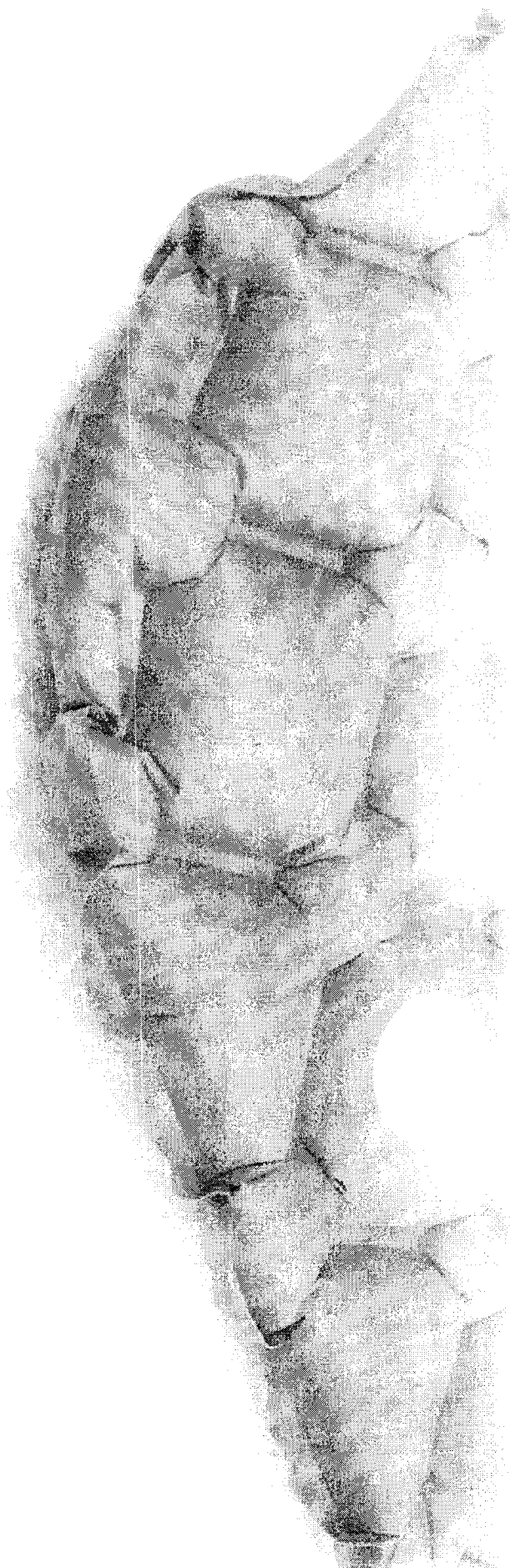
Search Alp



£0.00







you know you've got you're not when it's always got your back. But even the roughest of gear needs a bit of looking after every now and then. After your Cloud Base has been working hard to keep you comfy on adventures, it'll need a little TLC itself. Leave it out to sunbathe with the valve open after use - that way it can dry out on the inside, preventing the growth of mould.

Key features

- 3 Year Alpine Bond
- Easy inflate/deflate with one-way valve
- Thick yet light for comfort
- Stuff sack and repair kit supplied

More images



Vital stats

Materials

Fabric: 20D nylon with TPU laminate
DWR: C6

REACH compliant

Dimensions

Weight: 395 g

Length: 186 cm

Width: 57 cm (max)

Thickness: 6 cm

Packed size: ø 8 x 28 cm

Origin: China

Spotlights

Long Mynd delights

Pedal powered peace, the charm and beauty of the Shropshire landscape

Read

Tale of Two Mountains

24 hrs on Cross Fell

Read

Questions

Cloud Base Dimensions

Cloud Base Care

Sleeping Mats: Checking for and repairing leaks

Related products

Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit



Airo 120

2/3 LENGTH LIGHTWEIGHT SELF-INFLATING MAT

£39.00



Dozer

AT 7.5CM THICK OUR MOST COMFORTABLE SELF INFLATING MAT

£59.00



Double Dozer

7.5CM THICK DOUBLE SELF-INFLATING MAT. 5 STAR CAMPING COMFORT.

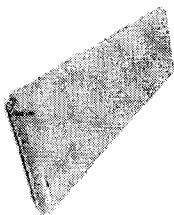
£99.00



Dirtbag

5 CM THICK SLEEPING MAT

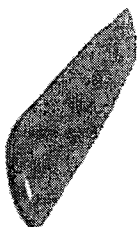
£55.00



Dumo

COMFORTABLE INFLATABLE CAMPING MAT

£49.00



Airo 180

FULL LENGTH LIGHTWEIGHT SELF-INFLATING MAT

£49.00

<https://www.alpkit.com/products/cloud-base#product-reviews>

Free UK Shipping on all orders

Free 2 day delivery to UK addresses is included in all orders so the price you see is the price you pay. Upgrade to next day at the checkout.

Free No hassle 123 Day Returns

Buy with confidence and if you are not happy, change your mind or want a swap for any reason then return it for free and we will exchange or refund no question. The price you see is the price you pay. Just return the kit as you receive it - in its original condition, unused, unworn, with original packaging and fit for resale.

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Alpine Bond

If one of our products does not meet your expectations upon delivery or, if it does not live up to the demands placed upon it, please return it within 3 years of purchase for repair, replacement or refund. If the problem is our fault then we will do this to your satisfaction if it's your fault then we will help out the best we can.

Reviews

★★★★★
91%

24 Reviews

5 ★

<https://www.alpkit.com/products/cloud-base#product-reviews>


4/19/2018

4 ★
3 ★
2 ★
1 ★

Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit

5
3
0
0

Used this product?

 Write a review

★★★★★

Garry H

21st November 2016

Fantastic nights sleep

I used the cloud base last night on a wooden sleeping platform in a bothy. I got a great nights sleep. Plenty of depth to the mat which meant I didn't feel the solid surface below, I am 90kg. Woke up this morning with the mat just as firm as it when I inflated it. I would recommend this to anyone. Really pleased with the weight and value for money as well.

★★★★★

Gadley

18th December 2016

Cloudbase is brillaint

An excellent mat used to replace my helium. It's lite and comfy and long enough. I'm 6ft 5 and 110kg and it stays inflated all night. Another excellent product from alpkit. Thanks

★★★★★

The Moor Rambler

24th February 2017

<https://www.alpkit.com/products/cloud-base#product-reviews>

Cloudbase is quality!

When looking for a new sleeping mat to replace my old mountain equipment helium after the valve broke on it, i was looking for three things, these were comfort, lightweight and affordable. The Cloudbase ticked all these boxes.

Comfort - The mats honeycomb construction kept me incredibly comfortable and warm all night meaning i had a great night sleep on two consecutive nights wild camping on uneven ground.

Lightweight - The Cloudbase is extremely lightweight and compact when packed away, in fact, I managed to squeeze it into the stuff sack for my sleeping bag which fits nicely into the bottom compartment of my rucksack, meaning that all of my sleeping equipment was in one place and both of them together weighing about 1.7 kilos; not bad for a bed.

Affordable - At 50 quid the Cloudbase doesn't break the bank unlike other market competitors such as therm-a-rest. However the only slight niggle that i had was that Robens make a very similar mat for about 40 quid, but i favoured alpkit as I'm a huge fan of the business and their customer service is second to none - it comes with a three year warranty and even came with a personalised note signed by the team.

Overall, although I've only used it twice so far, im loving my new bit of kit and would recommend it to anyone who likes a good night sleep and it to be lightweight, something that i imagine any outdoor enthusiast would want. I also am really impressed by Alpkit, like many times before, with their supreme customer service and would recommend them as a business to anyone!

★★★★★

Bobalob

21st April 2017

Propper Awesome

Ace mat this. Buzzing at the price when I found it, even more satisfied at its quality. Slept on it in a rocky cave for a windy bivvy on the moors. It evened out a bad surface well, even when turning all night to get my face out the gusts as the wind changed.

10/10 would recommend & have recommended

★★★★★

Nigel

10th June 2017

Cloud

Inflates in seconds and feels brill. Deflates quick and packs away in its own bag woohoo

<https://www.alpkit.com/products/cloud-base#product-reviews>

★★★★★

Tom

8th July 2017

Great Lightweight Mat.

Used the Cloud Base from Dartmoor to the Caucasus Mountains basecamp (3200M) to the barrel huts on Mt Elbrus (3700M).

Performed spectacularly every time. My tent mate commented on how the cloud base wasn't up to the job and wouldn't last the trip.

Come the end of the expedition he commended the CBI! Much better than the Numo.

★★★★★

Fozzybear

25th July 2017

Good night's sleep

If you intend to carry your sleeping mat anywhere, buy one of these, and know you will be comfortable, without having broken your back carrying it there. If weight is not a problem I would probably go bigger, but weight to comfort ratio, this goes in the bag first every trip.

★★★★★

Moga

1st August 2017

Excellent nights sleep

So far so good with this sleeping mat. Used it in numerous conditions (rocky ground, inside a hammock etc.) and slept very comfortably in all circumstances. Easy enough to inflate and very quick to deflate. Highly recommended.

★★★★★

4/19/2018

Cloud Base - Lightweight Inflatab... Sleeping mat - Alpkit

Ted Bill Norm
20th August 2017

Best mat I've owned

I have used this mat over 20 occasions now, camping, bivvying, bothying and mates floors. It has been superb, very light, very comfortable and robust. It has kept it's pressure and it takes 10 blows to inflate. Can not fault it.

★★★★★

Flagon
16th September 2017

Awesome mat

I bought this mat to cut down on weight from the ME mat I usually use for early spring & late autumn hikes.

I used it every night for a 2 week summer trip in Scotland staying in tents and bothies and it is the most comfortable low profile mat I have slept on - I had no worries getting a good nights sleep. There were no problems with the mat's construction and it still looks as good as new.

This I now go to mat for 3 season long distant trekking.

★★★★★

Peter
16th September 2017

Great Mat

Perfect size for Hunka XL bivvy. I also have a Dirtbag and Airo 120, both are great but this one is the best. Dirtbag is just better in really low temperature.

★★★★★

John Gunn
18th September 2017

<https://www.alpkit.com/products/cloud-base#product-reviews>

4/19/2018

Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit

One happy chappy!

I'd read reviews but was still sceptical but I can honestly say the Cloudbase sleeping mat is everything I'd hoped. Lightweight, packs small and above all very comfortable. If I could make an improvement it would be a non slip surface material. Thanks Alpkit.

★★★★★

Hont

22nd September 2017

Brilliant

The in laws are staying and the camp bed is rubbish, bought this for rough camping but it is equally as good on the floor of the spare bedroom!

★★★★★

Ken Henley

9th October 2017

Very happy

I wanted a thicker mat and since my self inflating mat had developed a slow leak I decided to get a Cloud Base. I am so glad that I did. It's a brilliant bit of kit and extremely good value for money. This was my first purchase from Alpkit but I'm sure that it will not be my last. Thanks very much.

★★★★★

Radish

13th November 2017

Amazing comfort and packs down to nothing

The cloud base packs away so small that I hardly even notice it in my pack. I also find it more comfortable and packs down smaller than the Numo. I am a front and side sleeper.
After using it for about 9 months I found it was deflated by the end of the night (first 7 months there was no air loss whatsoever). I think it must have a teeny tiny puncture because the leak is very slow. Luckily the awesome Alpkit crew replaced it when they couldn't fix it themselves. Heros!

4/19/2018

★★★★★

adicolli

3rd February 2018

Comfy Mat

just received thru post today so only tried out on floor at home but I can tell that the mat is very comfy & so small when back in its stuff sack, will write another review once ive had a couple of nights out in the cumbrian mountains.

★★★★★☆☆

Steve Wood

9th February 2017

Cloud Base Sleeping mat

Mine just arrived in the post, packaged with a nice little handwritten personal not which is always nice (don't get that from Amazon)

So before this I had a Thermarest NeoAir xlite, I hated it as I couldn't get comfortable and the noise drove me mad. Packing away was always a faff too.

So far the Cloud Base is exactly what I want as ultralight backpacker here in the UK, I will pair it with a torso length piece of CF for thermal and protection qualities.

I will only be giving this a 4 star as I have only inflated it the once in the house and already the inside is soaking wet from my breath, time will tell if this then becomes mouldy.

I am 6ft, 90kg and a side sleeper.

★★★★★☆☆

Luke

11th June 2017

Good

Cloud Base - Lightweight

Table Sleeping mat - Alpkit

4/2018

Cloud Base - Lightweight Inflatable Sleeping mat - repair kit

Attractive price. Punctured the first night I used it when bivouacking in a forest but not a big deal as I found the leak and used the repair kit. Good mat nevertheless.

★★★★☆

Sharp

18th August 2017

Comfy

I've used the Cloudbase for many nights since buying it a month ago. It's easy to inflate and though folding it away can be a bit tricky at first, it soon becomes easy to do.

The Cloudbase manages to remain comfortable while being extremely portable and the small pack size makes a huge difference. I find I can pack it into my sleeping bag compression sack in order to save space.

My only gripe with it is that it's very slippery when your sleeping bag is on it. The obvious trick here is to not pitch in a slope but I think the product could benefit from some small grip dots on each of the raised surfaces.

I've used some dots of superglue on mine and it's been a lot better since.

24

★★★★☆

Alan

26th August 2017

Light, low coast and effective

After my Thermarest prolife popped on first use I decided to try something different for my 5 night trip along the South Downs Way. The mat worked well, very light and packs away really small and is comfortable to sleep on. It is quicker than a Thermarest to deploy as it just needs puffing up, no waiting for foam to expand. Very pleased with the purchase. One improvement would be to adapt the stuff sack as inflator as another company has done. This would stop the moisture build up inside from inflating by mouth.

Visit our stores

<https://www.alpkil.com/products/cloud-base#product-reviews>

Hathersage - Main Road, S32 1BB

Ambleside - 100 Lake Road, LA22 0DB

+44 (0)1773 417007

support@alpkit.com

Live Chat

Alpkit Espresso Newsletter

Join Espresso for a short shot of news, deeds, events and more. Sign up to our newsletter and get the latest from Alpkit.

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MADE TO LAST
AK Alpine Bond

Alpkit

Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit

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4/19/2018

Cloud Base - Lightweight Inflatable Sleeping mat - Alpkit

Go nice places, do good things

© 2004-2018 ALPKIT®

<https://www.alpkit.com/products/cloud-base#product-reviews>

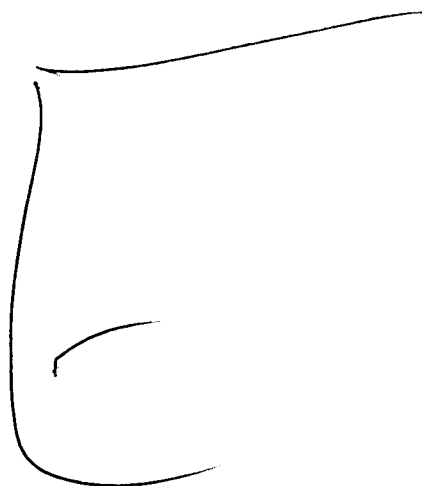


Exhibit E

including Paperwork Reduction Act of 1995 no person is required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87610795

Filing Date: 09/15/2017

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input field	Entered
TEAS Plus	YES
MARK INFORMATION	
* MARK	<u>OUTDOORS EXPORT 17 IMAGEOUT</u> <u>17 876107 87610795 .png\1\FTK0002.JPG</u>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Outdoorsman Lab
* COLOR MARK	NO
* COLOR(S) CLAIMED (If applicable)	
* DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of The mark consists of the stylized wording: Outdoorsman Lab. The first word is designed to have a opposite color of the second word or one in black and one in white.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	806 x 250
REGISTER	Principal
APPLICANT INFORMATION	
OWNER OF MARK	DSEC LLC
DBA/AKA/TA-FORMERLY	DBA OutdoorsmanLab
STREET	800 saint charles dr apt 3
CITY	thousand oaks
STATE (Required for U.S. applicants)	California
COUNTRY	United States
ZIP/POSTAL CODE (Required for U.S. applicants)	91360
PHONE	503-896-7094
EMAIL ADDRESS	dana@outdoorsmanlab.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
WEBSITE ADDRESS	https://outdoorsmanlab.com/
LEGAL ENTITY INFORMATION	
TYPE	LIMITED LIABILITY COMPANY
STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	018
IDENTIFICATION	Backpacks compatible with personal hydration systems, sold empty
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2015
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2015
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT\17\IMAGEOUT</u> <u>17\876\107\87610795\xml\1\FTK0003.JPG</u> <u>\\TICRS\EXPORT\17\IMAGEOUT</u> <u>17\876\107\87610795\xml\1\FTK0004.JPG</u>
SPECIMEN DESCRIPTION	Logo on backpack compatible with hydration system
INTERNATIONAL CLASS	020
IDENTIFICATION	Sleeping bag pads
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/01/2015
FIRST USE IN COMMERCE DATE	At least as early as 10/01/2015
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SPECIMEN DESCRIPTION	Logo on my current products including sleeping bag, sleeping pad, camping tent, beach tent, and backpack.
INTERNATIONAL CLASS	022

IDENTIFICATION

Tents for mountaineering or camping

FILING BASIS**SECTION 1(a)****FIRST USE ANYWHERE DATE**

At least as early as 10/01/2015

FIRST USE IN COMMERCE DATE

At least as early as 10/01/2015

SPECIMEN**FILE NAME(S)**WTICRS\EXPORT17\IMAGEOUT17\876\107\87610795\xml\ \ FTK0013.JPGWTICRS\EXPORT17\IMAGEOUT17\876\107\87610795\xml\ \ FTK0014.JPGWTICRS\EXPORT17\IMAGEOUT17\876\107\87610795\xml\ \ FTK0015.JPGWTICRS\EXPORT17\IMAGEOUT17\876\107\87610795\xml\ \ FTK0016.JPGWTICRS\EXPORT17\IMAGEOUT17\876\107\87610795\xml\ \ FTK0017.JPG**SPECIMEN DESCRIPTION**

Logo on 3 person camping tent and beach tent

ADDITIONAL STATEMENTS SECTION**TRANSLATION**
(if applicable)**TRANSLITERATION**
(if applicable)**CLAIMED PRIOR REGISTRATION**
(if applicable)**CONSENT (NAME/ LIKENESS)**
(if applicable)**CONCURRENT USE CLAIM**
(if applicable)**CORRESPONDENCE INFORMATION****NAME**

DSEC LLC

FIRM NAME

DSEC LLC

STREET

800 saint charles dr # 3

CITY

thousand oaks

STATE
(Required for U.S. addresses)

California

COUNTRY

United States

ZIP/POSTAL CODE

91360

PHONE

503-896-7094

EMAIL ADDRESSdan@outdoorsmanlab.com;danniches@gmail.com;
dj.shir@gmail.com; service@outdoorsmanlab.com**AUTHORIZED TO COMMUNICATE VIA EMAIL**

Yes

FEE INFORMATION**APPLICATION FILING OPTION**

TEAS Plus

NUMBER OF CLASSES

3

FEE PER CLASS

225

*TOTAL FEE PAID	675
SIGNATURE INFORMATION	
* SIGNATURE	/daniel shir/
* SIGNATORY'S NAME	daniel shir
* SIGNATORY'S POSITION	owner
SIGNATORY'S PHONE NUMBER	503-896-7094
* DATE SIGNED	09/15/2017

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87610795

Filing Date: 09/15/2017

To the Commissioner for Trademarks:

MARK: Outdoorsman Lab (stylized and/or with design, see [mark](#))

The mark in your application is Outdoorsman Lab.

The mark consists of The mark consists of the stylized wording: Outdoorsman Lab. The first word is designed to have a opposite color of the second word or one in black and one in white.

The applicant, DSEC LLC, DBA OutdoorsmanLab, a limited liability company legally organized under the laws of California, having an address of

800 saint charles dr apt 3
thousand oaks, California 91360
United States
503-896-7094(phone)
dan@outdoorsmanlab.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 018: Backpacks compatible with personal hydration systems, sold empty

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 018, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/01/2015, and first used in commerce at least as early as 10/01/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Logo on backpack compatible with hydratron system.

[Specimen File1](#)

[Specimen File2](#)

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 020: Sleeping bag pads

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 020, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/01/2015, and first used in commerce at least as early as 10/01/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Logo on my current products including sleeping bag, sleeping pad, camping tent, beach tent, and backpack..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

Specimen File5
Specimen File6
Specimen File7
Specimen File8

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 022: Tents for mountaineering or camping

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 022, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/01/2015, and first used in commerce at least as early as 10/01/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Logo on 3 person camping tent and beach tent.

Specimen File1
Specimen File2
Specimen File3
Specimen File4
Specimen File5

For informational purposes only, applicant's website address is: <https://outdoorsmanlab.com/>

The applicant's current Correspondence Information:

DSEC LLC

DSEC LLC

800 saint charles dr # 3

thousand oaks, California 91360

503-896-7094(phone)

dan@outdoorsmanlab.com; danniches@gmail.com; dj.shir@gmail.com; service@outdoorsmanlab.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$675 has been submitted with the application, representing payment for 3 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /daniel shir/ Date: 09/15/2017

Signatory's Name: daniel shir

Signatory's Position: owner

Signatory's Phone Number: 503-896-7094

Payment Sale Number: 87610795

Payment Accounting Date: 09/18/2017

Serial Number: 87610795

Internet Transmission Date: Fri Sep 15 19:09:52 EDT 2017

FLAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-201709151909520

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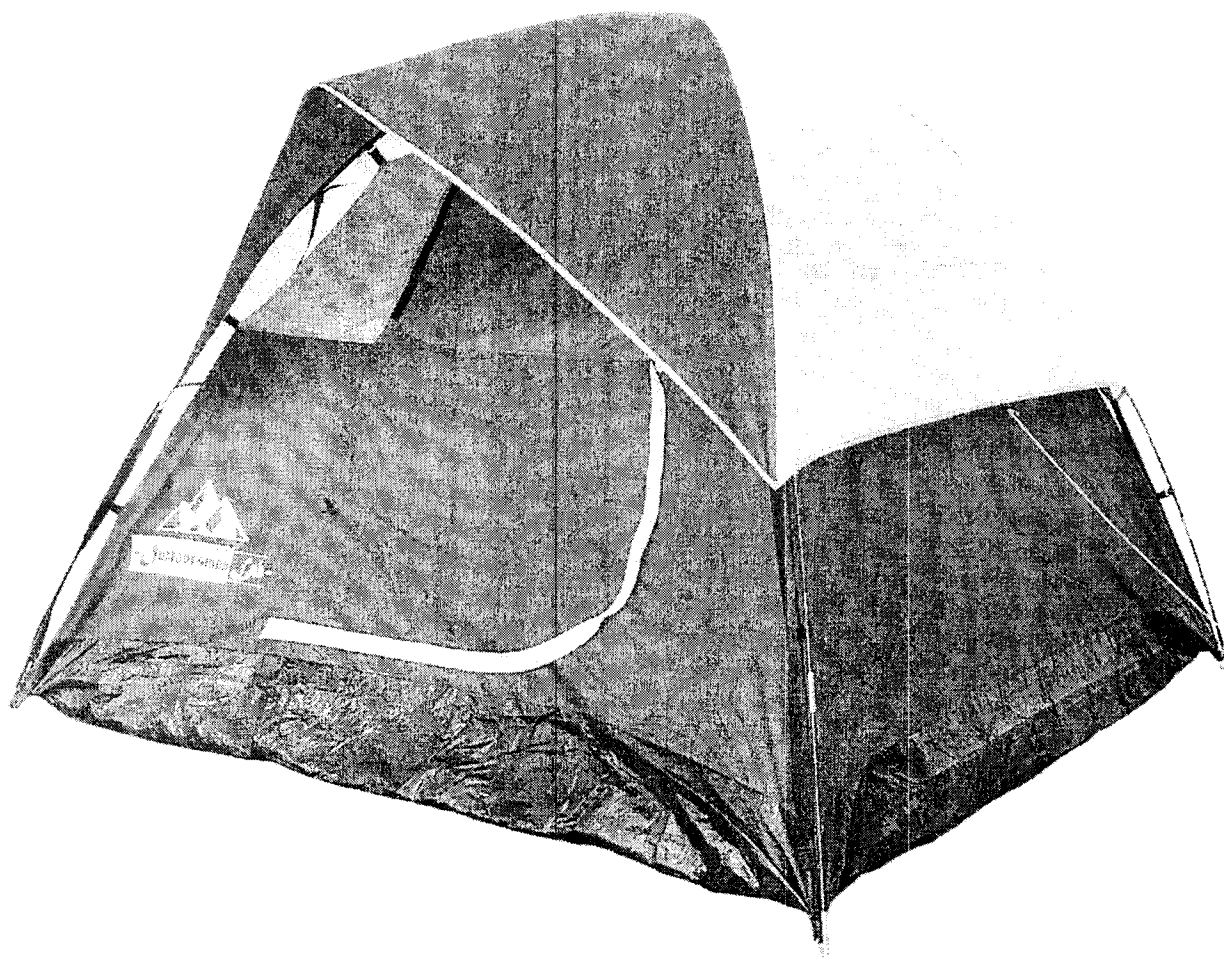




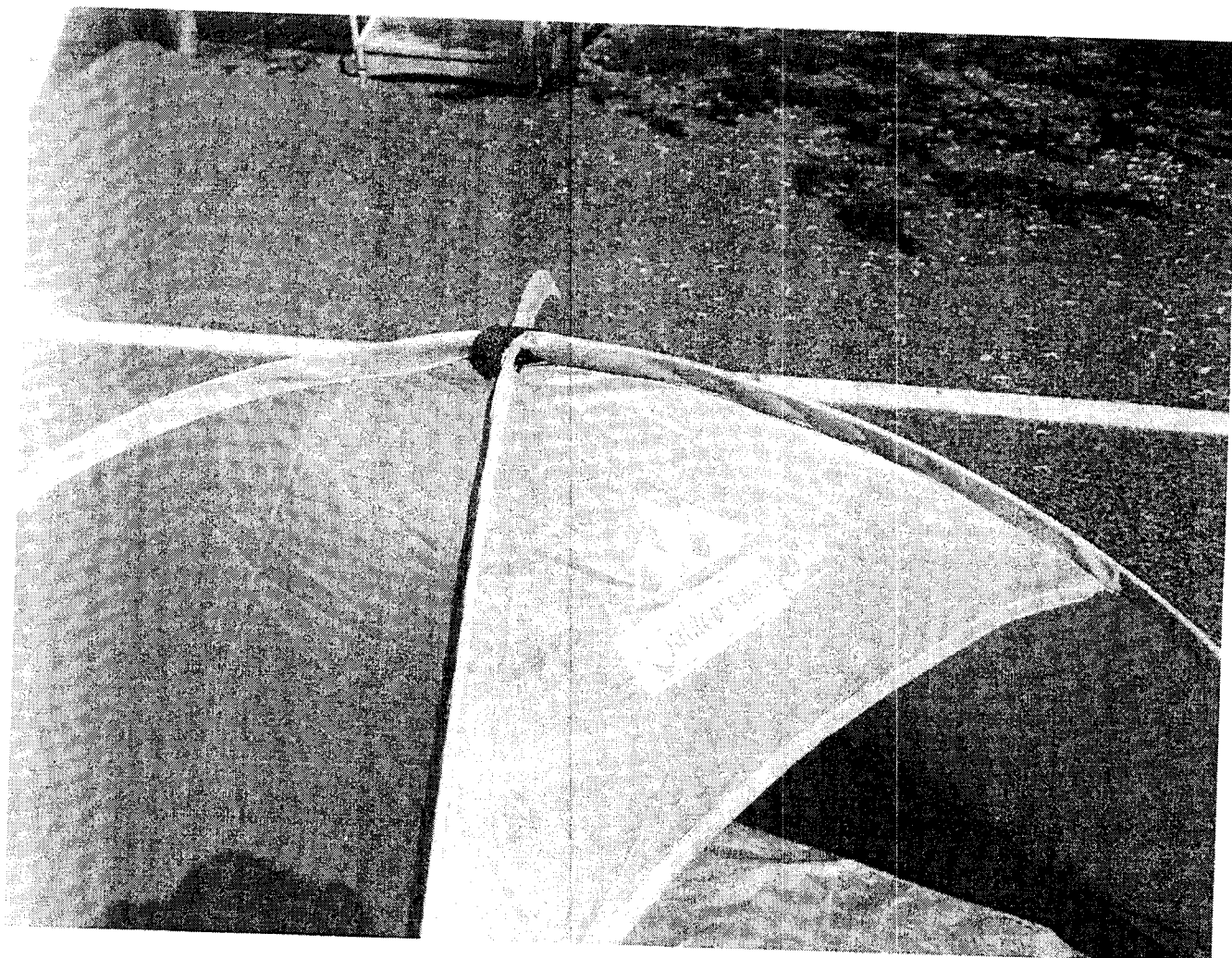


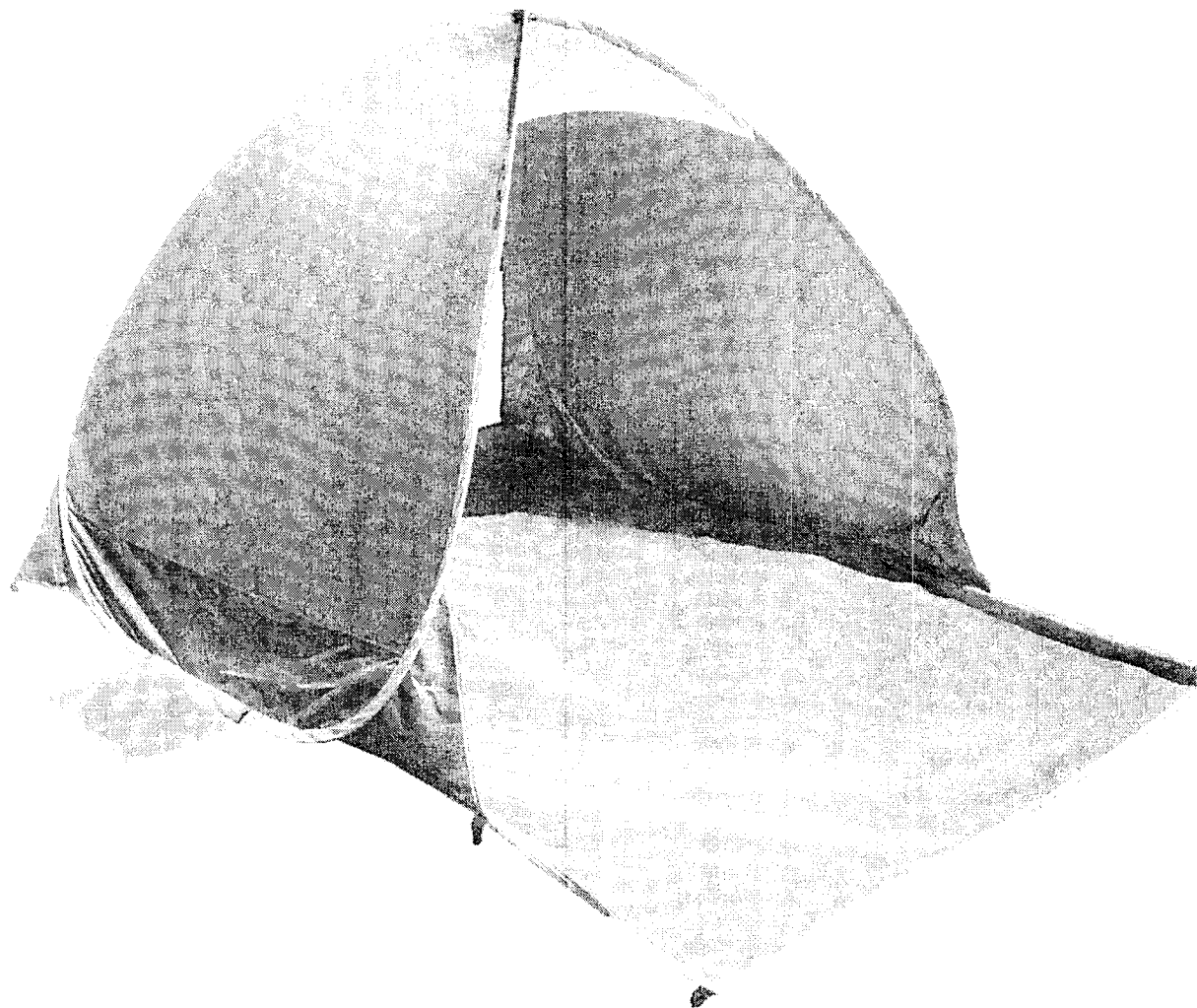




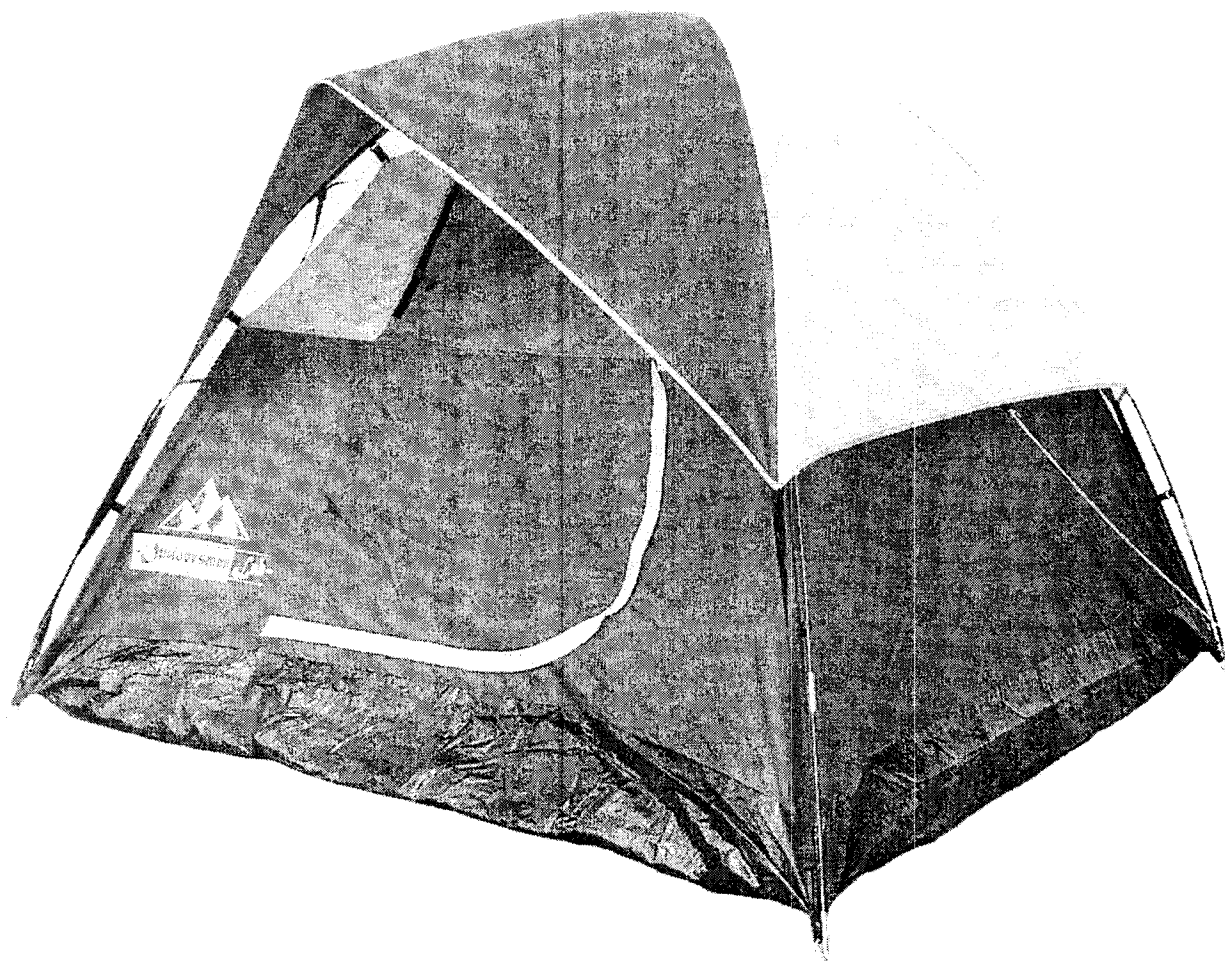




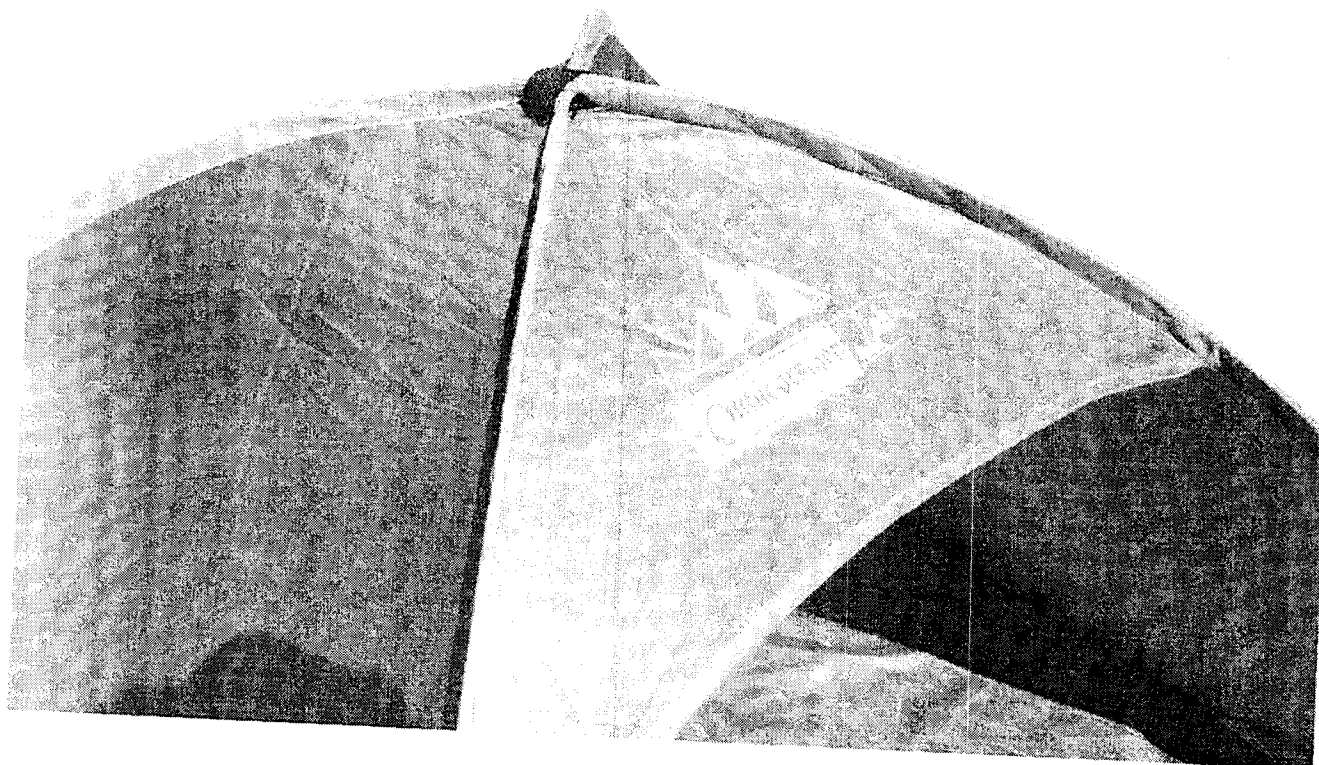


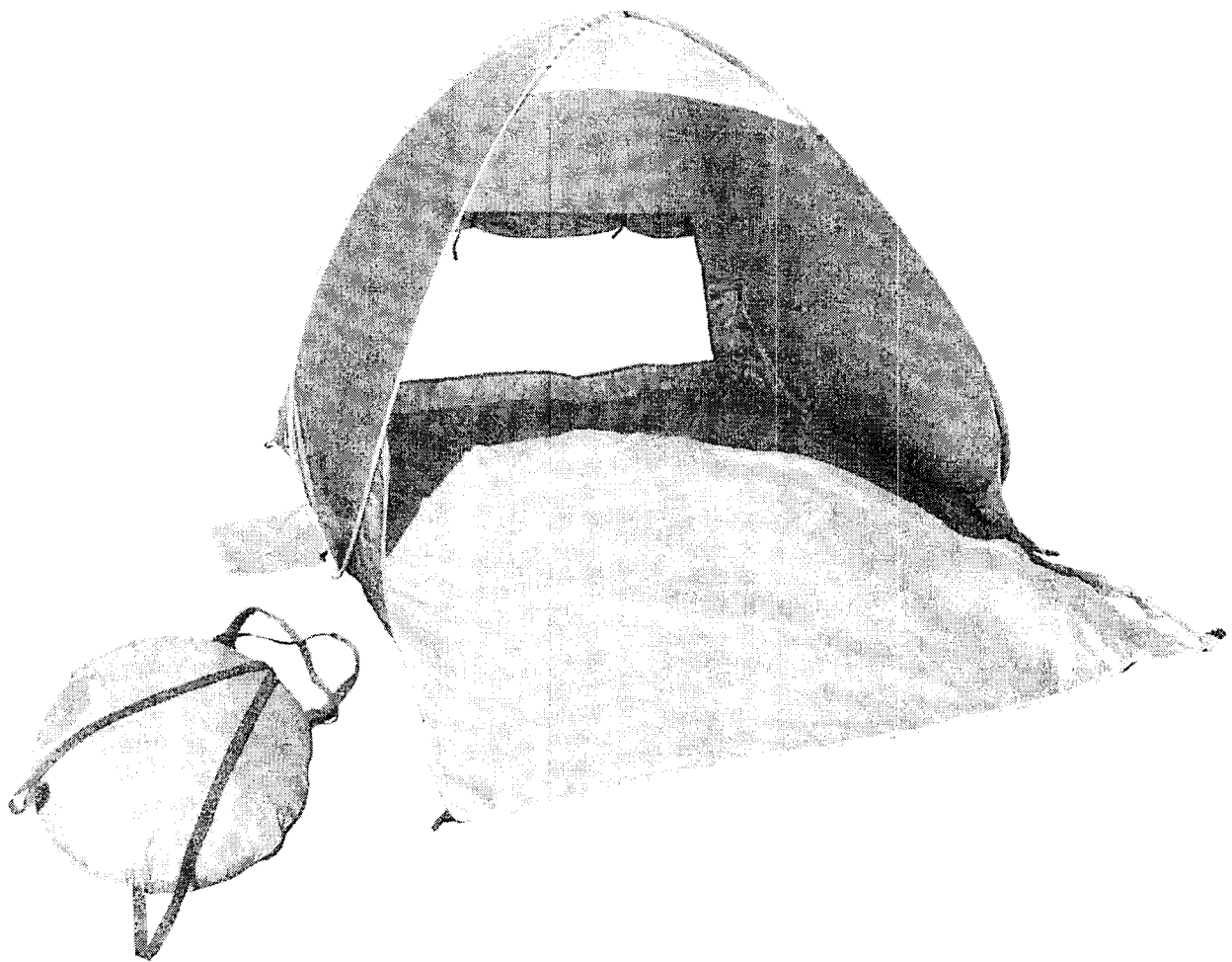












A handwritten mark or signature in black ink, consisting of a vertical line with a horizontal stroke across it, and a small loop at the bottom.

4/19/2018

cd.cs.odu.edu/cd/https://outdoorsmanlab.com/

ab.com/

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Exhibit F

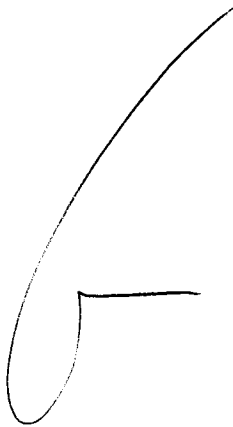
A handwritten mark or signature, possibly the letter 'F', rendered in black ink on a white background. The mark consists of a vertical stroke that curves to the left at the bottom, with a horizontal stroke extending to the right from the middle of the vertical stroke.

Exhibit 6

4/19/2018

Selected to

Sleeping Bag Sleeping Pad Tent Bag

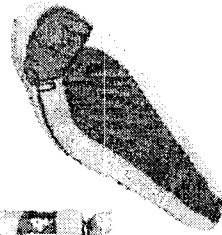
Bag

12/12/17 10:00 PM

Q 1

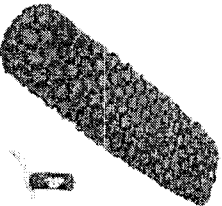
Sleeping Bag

1/1/18



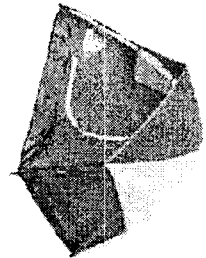
Sleeping Pad

1/1/18



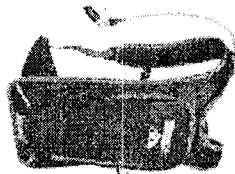
Tent

1/1/18

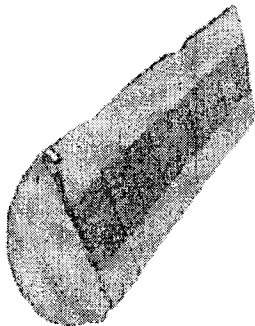
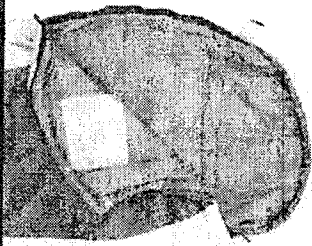
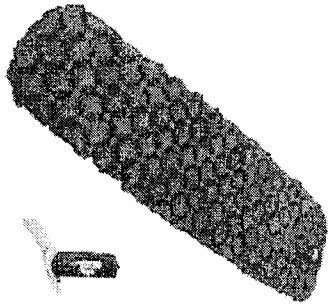


Running / Hiking

1/1/18



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Screenshot (11).png

A handwritten signature in black ink, appearing to be "J. A. B." or similar, written in a cursive style.

H

Exhibit H

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X

